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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 January 1999]

GE.99-10508 (E)

Introduction

1. The International Federation of Human Rights (FIDH) and its member organization, the Palestinian Centre for Human Rights (PCHR), hereby wish to point out the human rights violations committed by Israel towards the Palestinian population.

I. PALESTINIAN PRISONERS

A. Recent estimates of detained Palestinians

2. Figures vary as to how many Palestinian political prisoners are being held in Israeli prisons, because of the barriers put up by Israel prohibiting Palestinian lawyers from gaining access to Palestinian detainees. The most recent figures submitted to the Israeli Government according to the newspaper *Ha'aretz* state that there are 1,622 Palestinian security prisoners, while the Palestinian Authorities Prisoner Committee asserts that there are currently 2,400 political prisoners. The FIDH and the PCHR put the number slightly higher. Even the Israeli Defence Forces admit that another 78 Palestinians are being held in administrative detention.

3. Palestinian prisoners are regularly subjected to torture. In fact, Israel is the only country in the world to have gone so far as to legalize torture through the perverse construction of such concepts as "moderate physical pressure". The United Nations Committee against Torture stated at its eighteenth session that interrogation practices used systematically by the General Security Services, such as shackling in painful positions, sleep deprivation, hooding, playing raucous music and violent shaking of detainees, constitute torture. Despite this determination, these practices continue in Israeli prisons. For example, on 27 May 1998, a report was received by PCHR from the Public Committee against Torture in Israel, regarding the treatment of Ali Balut, a resident of Bnei Naiím village, near Hebron, who was arrested on 26 March 1998 and detained at Shikma Detention Centre, Ashkelon. In a sworn affidavit to his attorney, Mr. Balut stated that, "from 19 May until 25 May I was held in 'shabeh'. I was forced to sit on a chair, wrists handcuffed behind me, a sack on my head and my legs bound. My chair was pushed so far up against the wall that my knees scraped the wall. Loud music played all the time and I was not allowed to sleep".

B. Health of prisoners

4. The deterioration in the health situation in Israeli prisons and the lack of basic medical services have resulted in the deaths of detainees. Yusef Diab El-Areer from Gaza City died on 21 June 1998 following a heart operation. There is strong reason to believe that he died due to negligence in El-Ramleh prison hospital. Jamal Hassan Al-Khameesi from El-Maghazi camp in the Gaza Strip died on 26 July 1998. Ahmed Fayez Asfour from Khan Younis died in Sarrukah Hospital in Israel on 4 October 1998. Finally, Yasser El-Muazzen from Al-Yarmouk refugee camp in the Syrian Arab Republic is in dire need of a kidney transplant. Israeli authorities have refused to permit this procedure despite the fact that fellow prisoners and members of his family are willing to be donors. Further delay could result in Mr. El-Muazzen's death.

C. Freedom for political prisoners

5. The continuing incarceration of Palestinian political prisoners has exacerbated the already tense political situation. On 5 December 1998, Palestinian and Arab prisoners in Israeli prisons (numbering nearly 3,000) began a hunger strike as a result of Israel's refusal to release them as called for by various agreements signed between the parties, most recently the Wye River Memorandum.

6. The FIDH and the PCHR believe that the release of Palestinian and Arab prisoners should be one of the main outcomes of the current peace process. The ongoing incarceration of these prisoners can only mean that Israel intends to hold them as hostages to be used to extract further concessions at the bargaining table.

II. ILLEGAL ISRAELI SETTLEMENT OF THE OCCUPIED PALESTINIAN TERRITORIES

7. There are over 350,000 settlers occupying East Jerusalem, the West Bank and Gaza Strip. These settlers live in 144 settlements. Nineteen settlements holding approximately 5,000 settlers are located in the Gaza Strip.

8. More settlements, such as "Har Homa", at Jabal Abu Ghneim, are likely to be created until the upcoming Israeli elections. The Commission should be fully aware of the explosiveness of the situation regarding "Har Homa" in the weeks ahead. Palestinians in the southern portion of the West Bank are particularly concerned that construction at Jabal Abu Ghneim will put even greater limits on their ability to travel to Jerusalem. Entrepreneurs worry that this illegal settlement will cause significant damage to their businesses by siphoning off potential tourists.

A. Specific cases of rights violations by Israeli settlers

9. On 12 December 1998, the PCHR issued a press release stating that the Israeli Occupation Forces had stepped up their settlement activities in the Gaza Strip. Wide-scale bulldozing can be witnessed in various areas of the Gaza Strip, especially close to the settlements in the agricultural areas of Khan Younis, Rafah City, and Tel Zorub. It is clear that Israeli settlement activity has taken on a new life, particularly after the signing of the Wye River Memorandum on 23 October 1998.

10. Five years have passed since the start of the peace process and yet Israel still controls approximately 40 per cent of the land in the Gaza Strip and approximately 90 per cent of the land in the West Bank. Land continues to be stolen from Palestinian landowners. Some of the more egregious land grabs in the Gaza Strip (urged on recently in the West Bank by Israeli Foreign Minister Ariel Sharon) involve 350 dunams of land being bulldozed in Tel Gnan, Israeli bulldozing affecting 150 dunams of land beside the north part of the Beit Sadaih settlement, bulldozing on the road between the Gush Katif settlement and the Budaloh settlement affecting 30 dunams of land, and the bulldozing of 5 dunams of land planted with trees bearing unpicked fruit in

the Tel Zorub area. Furthermore, the organized theft of Palestinian natural resources by Israel continues in the form of Israeli vehicles from Budaloh and Beni Adsunah settlements transferring sand from the Gaza Strip to Israel.

11. In 1998, the PCHR documented seven cases in which Israeli settlers killed Palestinian civilians in the West Bank and Gaza Strip. Four Palestinians were shot and killed, two were killed by reckless drivers, and one was killed by a knife. Numerous other incidents resulted in serious injuries to Palestinian civilians.

III. EXCESSIVE USE OF FORCE

12. Israeli soldiers and settlers continued to use excessive force against Palestinians in 1998. The most severe instances occurred in May at the marking of the fiftieth anniversary of *Al-Nakbeh* (the Catastrophe) and in December at the time of the eleventh anniversary of the intifada.

13. In the final days of December 1998 seven people in the Gaza Strip were killed (including an Egyptian citizen and a girl who died after being shot in the head 10 years ago). Fourteen citizens from the West Bank were killed. Hundreds more were injured, including 300 in the May confrontations and another 500 in December.

14. The PCHR reported on 19 May that Israeli forces were employing snipers to kill Palestinian demonstrators. Israeli occupation forces clearly intended to kill as evidenced by the fact that 52 out of 71 Palestinians injured in Gaza in the *Al-Nakbeh* demonstrations were shot in the upper body.

IV. CLOSURE

15. The illegal Israeli policy of closure contradicts international humanitarian law, particularly the Fourth Geneva Convention of 1949, article 13 of the Universal Declaration of Human Rights, and article 12 of the International Covenant on Civil and Political Rights. This Israeli policy also contradicts the interim agreement between the PLO and Israel, which recognizes the territorial integrity of the West Bank and the Gaza Strip and guarantees the establishment of safe passages between the two areas. Accordingly, the economic and social rights of the Palestinian people have been gravely breached by the Israeli policy of closure. The closure affects all sectors of citizens, especially the most vulnerable groups such as the thousands of families who depend solely on income generated by relatives working in Israel.

16. Closure affects Palestinian civilians in a variety of ways beyond limiting the ability of people to travel to work. Approximately 1,200 students from the Gaza Strip are unable to reach educational institutions in the West Bank, patients are hindered in travelling outside the Gaza Strip for medical treatment (PCHR documented nine cases between July and October in which applications for outside treatment were completely rejected), and exporters are caused serious financial harm by the delays in getting perishable (and other) goods to market.

V. CONCLUSION

17. Many of the violations mentioned above have been occurring for more than 30 years. The FIDH and its affiliated organization, the PCHR, call on the Commission to condemn these Israeli human rights violations in the strongest possible terms and to take action to protect the Palestinian people from the violation of their rights.